



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

Minor # 54

November 26, 2013

Reply To
Attn Of: OWW-130

Steve Anderson
2204 Mary Ave
Missoula, MT 59801

Re: NPDES Small Suction Dredge General Permit

Dear Steve Anderson:

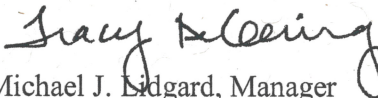
The U.S. Environmental Protection Agency (EPA) received your Notice of Intent (NOI) submitted to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Small Suction Dredge Placer Miners in Idaho (General Permit). You had initially requested to operate a small suction dredge on Moose Creek at approximately 46.757051 N. Latitude, -115.077272 W. Longitude, near Pierce, Idaho. Our Idaho Operations Office contacted you via phone and email this past July, confirming that your claim "Better Than Nothing 3" has since been sold to Mr. Mark Lawson, and that Mr. Lawson is responsible for obtaining permit coverage from the EPA. The purpose of this letter is to inform you that your file has been closed and that no further action is necessary.

Please note that an Endangered Species Act (Act) opinion has been issued by the U.S. Fish and Wildlife Service, pursuant to section 7 of the Act, on effects of the Moose Creek Suction Dredging Program proposed by the Nez Perce-Clearwater National Forest [*Suction Dredging on Forest Service Managed Lands in the Moose Creek Drainage—Clearwater County, Idaho—Biological Opinion; In Reply Refer to: 01EIFW00-2013-F-0260*]. Should you wish to dredge along Moose Creek in the future, you must work with U.S. Forest Service (USFS) to ensure that your operation is in compliance with the measures detailed in the relevant USFS consultation documents.

If you wish to reapply for permit coverage from the EPA, you may view the entire General Permit as well as maps and other supporting information online at:
<http://yosemite.epa.gov/r10/water.nsf/npdes+permits/idsuction-gp>.

Please be aware, permit coverage from the EPA and the Idaho Department of Water Resources (IDWR) is required in order to operate a small suction dredge in Idaho. The EPA and IDWR do not share the exact same list of open and closed waterbodies. If you have questions regarding this permit please contact Tracy DeGering in our Idaho Operations Office in Boise at degering.tracy@epa.gov or (208) 378-5756.

Sincerely,


for Michael J. Lidgard, Manager
NPDES Permits Unit

Enclosure

cc: John Cardwell (John.Cardwell@deq.idaho.gov) – Idaho Dept of Environmental Quality, Lewiston
Clint Hughes (cehughes02@fs.fed.us) – USFS, Nez Perce-Clearwater National Forests

MAY 07 2013

APPENDIX A
Notice of Intent (NOI) Information Sheet
NPDES General Permit IDG-37-0000
Small Suction Dredge

IDAHO OPERATIONS OFFICE

Applicant (Owner/Operator):

Owner Name: *Steve Anderson Ken & Steven Dunwell*

Winter Address: *2209 Mary Ave
Missoula, MT 59801*

Summer Address ☒ Check if same

~~2209 Mary Ave~~

Telephone Number: *(406) 549-1371*

Email address: *Judy Bailey 45@gmail.com*
b?

Operator Name ☒ Check if same as owner

Operation Name (if applicable): *N/A*

Size of Suction Dredge Nozzle:
(5 inches or less) *4"*

Equipment rating:
(15 hp or less)

Land Management Agency:

Contact: *CLINT Huges*

Phone number: *(208) 983-5146*

ID Forest Service

Permit Part I.D.1. requires copies of certain land management approvals be submitted with the NOI.

Permit Part I.E. requires that you contact the Idaho Department of Water Resources to obtain a permit and determine whether additional restrictions may apply.

Waterbody Information

Waterbody*	Nearest Town	Latitude <i>46.757051</i>	Longitude <i>-115.071272</i>	Dates of Operation	Hours of Operation**
<i>Moose Creek</i>	<i>Pierce ID.</i>	<i>T39N</i>	<i>R11E B.M.</i>	<i>7-1-8-15</i>	<i>184</i>

**Include a map noting each location.*

**An NOI is required on an annual basis for facilities on Mores, Grimes and Elk number of dredge hours planned (See Permit Parts I.G.1. and II.B.3.)

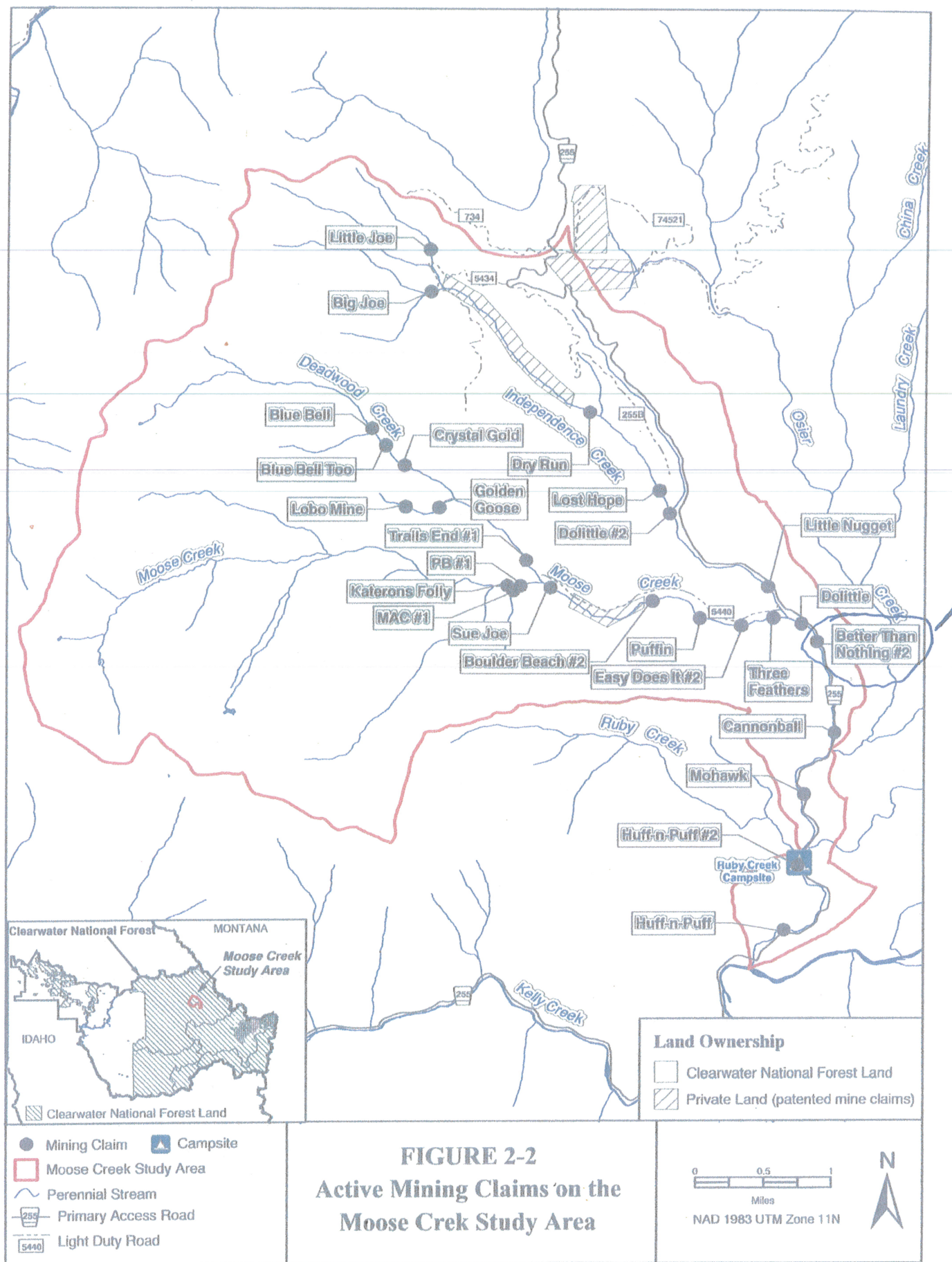
*Mr. Anderson 7/12/13
sold claim, wants
to transfer permit.
Will send new
applicant's name.*

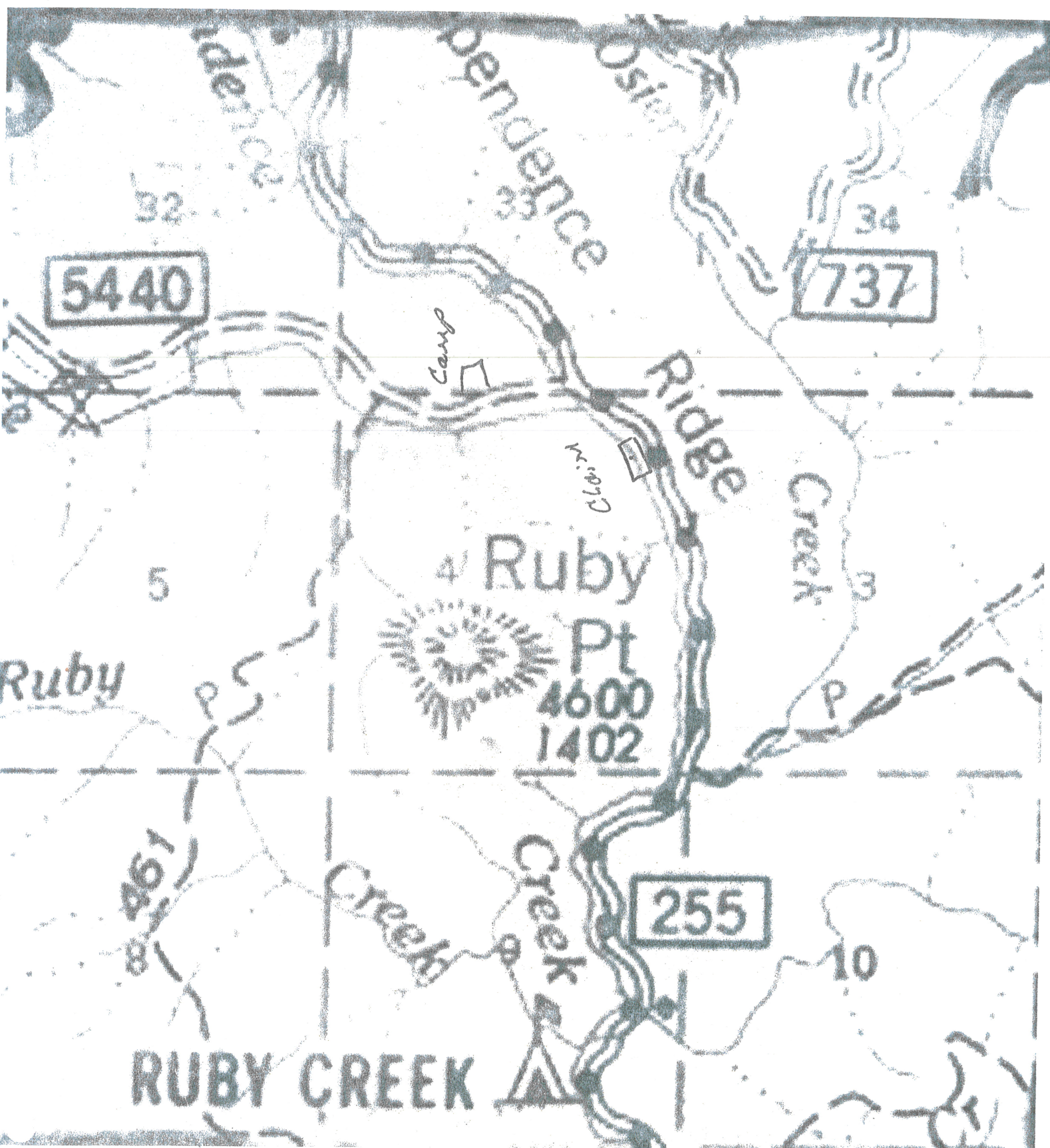
Printed Name:

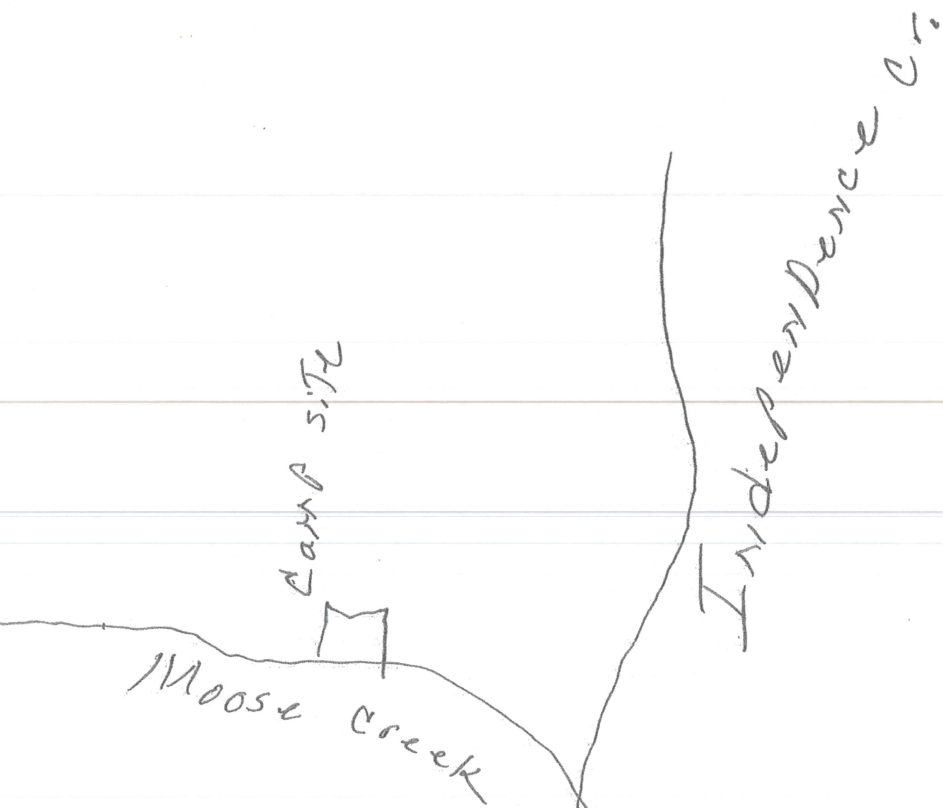
Signature: *Steve Anderson Steve Anderson*

Date: *4-29-13*

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

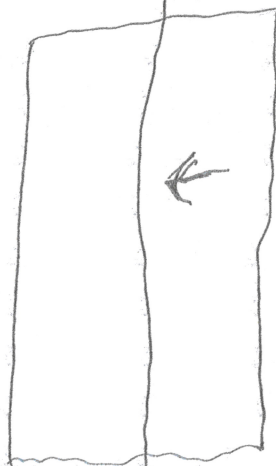






Top of chain

Better Than
Nothing #3



Planned start about $\frac{1}{3}$ - $\frac{1}{2}$ the
way down the chain from the top

Moose Creek

RECORD OF DECISION

Small-Scale Suction Dredging in Lolo Creek and Moose Creek

Clearwater National Forest
Clearwater and Idaho Counties, Idaho

March 2010

Lead Agency:

USDA Forest Service

Responsible Official:

Rick Brazell
Forest Supervisor
Clearwater National Forest
12730 U.S. Highway 12
Orofino, ID 83544

For Further Information, Contact:

Douglas Gober
North Fork District Ranger
(208) 476-4541

***Abstract:** This document describes the decision for Small-Scale Suction Dredging in Lolo Creek and Moose Creek. The decision is based on the analysis documented in the Draft (now final) Supplemental Environmental Impact Statement (August 24, 2009) and the Clearwater National Forest Land and Resource Management Plan Final EIS (September 1987).*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). USDA is an equal employment opportunity employer.

3. Steelhead Trout (*Oncorhynchus mykiss*)

Existing Condition: Present distribution includes the Salmon River and Clearwater River subbasins. The proposed suction dredging areas within the Moose Creek drainage is located over 100 miles upstream of Dworshak Dam; the dam is a complete migration barrier to anadromous and inland fish. The effects of instream recreational dredging primarily involve changes in substrate, spawning and rearing habitat for salmonids.

Determination: Any sediment produced by suction dredging would not be measurable in the mainstems of Kelly Creek and upper North Fork Clearwater River and nonexistent downstream of the Dworshak Dam. Therefore, suction dredging in Moose Creek would have **no effect** on steelhead trout.

4. Bull Trout (*Salvelinus confluentus*)

Population Status: Past and ongoing fish population monitoring surveys within the Moose Creek drainage indicates that bull trout are present, but in relatively low numbers.

Determination: The suction dredging activities will avoid impacts to adult spawning, egg incubation and fry emergence because dredging operations would occur after before August 15 when bull trout spawn and eggs are within the substrate. Potential effects of entrainment of juvenile bull trout via suction dredging are considered insignificant and discountable. During 2000-2001 mining seasons, the infrequent sightings of bull trout during previous fish population surveys in the Moose Creek drainage led to a "may affect, not likely to adversely affect" determination. However, fish population and spawning surveys during the 2000-2001 have found adult spawners in the drainage and spawning activity in Osier Creek. In addition, bull trout spawning have been documented in the Osier Creek drainage during 2002 and 2003 and within the Moose Creek and Swamp Creek drainages in 2005. Therefore, suction dredging activities may have short-term minimal impacts on individual bull trout due to an increase in turbidity, localized increases in sedimentation, and fish movements during project implementation. These impacts are expected to be minimal, but the effects cannot be considered negligible. Therefore, the determination for the suction dredging in the Moose Creek drainage is **may affect, likely to adversely affect** bull trout and their continued existence in the Moose Creek drainage. The proposed suction dredging may have short-term adverse effects to potential bull trout critical habitat in the Moose Creek drainage, but because it is limited in scope, both spatially and temporally, is **not likely to destroy or adversely modify that habitat**.